

7-29-91
12.3.8 v.5



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-2255

JUL 29 1991

Regulatory Branch

Ash Grove Cement West, Inc.
3801 East Marginal Way South
Seattle, Washington 98134

RECEIVED
AUG 07 1991

AGCW-SEATTLE

Reference: OYB-1-014115

Ash Grove Cement West, Inc.

Gentlemen:

Enclosed for your signature are Department of the Army permit forms for work described in the referenced public notice.

Please sign and date both forms and return them to us with your check in the amount indicated below. The check should be made payable to the FAO, USAED, Portland (Seattle). Your copy of the fully executed permit will then be returned to you. The signed permit forms must be returned to us within 90 days of this letter or your application will be cancelled.

You cannot modify these permit forms or their accompanying drawings. By signing the forms you will be indicating your acceptance of all the permit's general and special conditions. Please read them carefully.

You can begin the work authorized by this permit only after you have received your copy of the fully executed permit form.

Sincerely,

Thomas F. Mueller

Thomas F. Mueller
Chief, Regulatory Branch

2 Enclosures

1. Permit (dupe)
2. Envelope
3. Agency Letter(s) ☐ Conditional

☐ Informational

☒ None

Fee ☐ None

☐ \$10

☒ \$100

NPS FL 1145-2
Apr 91 (Rev.)

(Replaces NPS FL 109)

USEPA SF



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DEPARTMENT OF THE ARMY PERMIT

Permittee Ash Grove Cement West, Inc.

Ash Grove Cement West, Inc.
3801 East Marginal Way South
Seattle, Washington 98134

Permit No. OYB-1-014115

Issuing Office Seattle District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Dredge 10,000 cubic yards of silt and muck by clamshell. The dredged material will be deposited at an approved upland site in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit. (Reestablish previous water depth to provide adequate water depth for vessel loading and unloading).

Project Location: In the Duwamish River at Seattle, Washington.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- a. You must provide a copy of the permit transmittal letter, the permit form and drawing to all contractors performing any of the authorized work.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - ☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - ☐ Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X _____ X _____
(PERMITTEE) (DATE)

Ash Grove Cement West, Inc.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER) (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)